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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,009	06/08/2001	Gregory J. Swartz	1651-0001	4534

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EXAMINER

NGUYEN, CAO H

ART UNIT PAPER NUMBER

2173

DATE MAILED: 02/10/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/878,009

Applicant(s)

Swartz

Examiner

Cao (Kevin) Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jun 8, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Barber et al. US Patent No. (5,751,286).

Regarding claim 1, Barber et al. discloses a method of accessing a computer file 10 and application for manipulating the file 31, creating an icon corresponding to a file including information (see col 5, lines 1-51); the icon 89 substantially depicting at least a portion of the information from the file (see col 8, lines 59-62 and col 1-25); storing the icon in a memory; displaying the icon; and invoking the file and an application for manipulating the file upon selection of the icon (see col 6, lines 30-60).

Regarding claim 2, Barber et al. discloses wherein the step of creating an icon corresponding to a file including information comprises creating an icon substantially depicting a display of the information from the file while the file is being manipulated by an application (see col 7, lines 1-55 and figure 4).

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Regarding claim 3, Barber et al. discloses capturing a graphical representation of the file while an application is manipulating the file (see col 11, lines 35-44).

Regarding claim 4, Barber et al. discloses capturing a graphical representation is initiated by a user input command while the application manipulating the file is active (see col 10, lines 34-60 and col 11, lines 1-35).

Regarding claim 5, Barber et al. discloses wherein the user input command is a keyboard (see col 4, lines 47-64).

Regarding claims 6 and 7, Barber et al. discloses storing information related to an application for manipulating the file in a memory along with the icon and displaying the icon window on a screen display (see col 10, lines 1-33).

As claims 8-13 are analyzed as previously discussed with respect too claims 1-7 above.

Regarding claim 14, Barber et al. discloses of storing data related to files and corresponding applications each item the file and applications are opened and closed during session, and wherein the step of invoking the file and an application for manipulating the file and the application based on the stored data related to files and corresponding applications (see col 11, lines 21-67 and figure 9).

Regarding claim 15, Barber et al. discloses wherein the data related to files and corresponding applications includes a document path, a document handle, an application path, and an application handle (see col 5, lines 1-65 and col 6, lines 1-60).

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As claims 16-18 are analyzed as previously discussed with respect too claims 1-7 and 14-15 above.

As claim 19 differs from claim 1 in that "providing a user interface for accessing a file based on a corresponding icon and a window on a display screen for displaying the plurality of icons" which read on Barber (see col 18, lines 1-50).

As claims 20-26 are analyzed as previously discussed with respect too claims 1-7, 14-15 and 19 above.

As claim 27 differs from claims 1 and 9 in that "using icons to switch between a plurality of files and corresponding applications on a computer having file system and an operating system user interface to the files within the file system, the file separate from the operating system user interface to the files within the file system" which read on Barber (see col 12, lines 30-67 and figure 11A).

As claims 27-38 are analyzed as previously discussed with respect too claims 1-7, 14-15, 19 and 27 above.

As claim 39 differs from claims 1, 9 and 27 in that "storing file to be manipulated by an application as a template file along with an icon corresponding to the file and data related to the application used to manipulating the template file (see col 5, lines 53-67 and col 6, lines 1-29).

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As claims 40-41 are analyzed as previously discussed with respect too claims 1 and 27 above.

**Conclusion**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Response**

4. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 305-9724 for informal or draft communications.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).


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*Inquires*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (703) 305-3972. The examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca, can be reached on (703) 308-3116. The fax number for this group is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

  
CAO (KEVIN) NGUYEN  
PRIMARY EXAMINER  
February 6, 2004

